

## **CHAPTER 28 - WIND ENERGY CONVERSION SYSTEMS (WECS) SITING REGULATIONS**

### **Section 28 .1 - Purpose**

The purposes of this Chapter are to:

- a) Assure that any development and production of wind-generated electricity within the jurisdiction of the Grant County Area Plan Commission, Grant County, Indiana, is safe and effective;
- b) Facilitate economic opportunities for local residents while protecting residential areas from potential adverse impact of wind turbine generators;
- c) Avoid potential damage to adjacent property from the failure of wind turbine generators or towers; and
- d) Promote the supply of wind energy in support of Indiana's alternative energy sources potential and other such economic development tools.

### **Section 28.2 –Findings and Intent**

1. Grant County Area Plan Commission finds that wind energy over Grant County is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our citizens' dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources.
2. Grant County Area Plan Commission also finds that wind energy systems enhance the reliability and power quality of the power grid, reduce peak power demands and helps diversify the county and state's energy supply portfolio.
3. It is the intent of these Wind Energy Conversion Systems (WECS) siting regulations to provide equal opportunity and access by property owners to a shared natural resource in a regulatory framework for the construction and operation of WECS within Grant County Area Plan Commission jurisdiction; subject to reasonable restrictions these regulations are intended preserve the health and safety of the public.

### **Section 28 .3 - Applicability**

1. The provisions of this Chapter are applicable to all zone districts; and govern the siting of WECS and substations that generate electricity to be sold to wholesale or retail markets, or that generate electricity for public and private use.

### **Section 28 .4 - Prohibition**

1. No applicant shall construct, operate, or locate within Grant County Area Plan Commission jurisdiction, a wind energy conversion system (WECS) without having fully complied with the provisions of this Chapter.

### **Section 28 .5 – Conflict With Other Regulations**

1. Nothing in this Chapter is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Communications Commission and Federal Aviation Administration rules and regulations, and shall comply with the notification requirements of the FAA.
2. Nor are they intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute or other provision of law.
3. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

## **Section 28.6 - Definitions**

**AGGREGATED WECS PROJECTS** Aggregated WECS projects are those which are developed and operated in a coordinated fashion, but which may have multiple entities separately owning one or more of the individual WECS projects within the larger (aggregate) project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated WECS project. The aggregated WECS project area is mapped by an approved external outer boundary line.

In determining setback requirements for a WECS project area, internal property title lines are excluded when contiguous individual properties are planned and developed under unified control or ownership as part of an individual WECS project. Any premises not located within the approved boundary limits of an individual WECS project area; and not delineated as part of an aggregated WECS project, whether or not in the same ownership or control; is considered off-site or out of the individual WECS project area. [See Section 28.11 – Project Boundary Perimeter Setback Encroachments]

**LARGE WIND ENERGY CONVERSION SYSTEM (“LARGE WECS”)** — A utility size wind energy system which has a nameplate power rated capacity of more than 100 KW of peak generation capacity, consisting of one or more wind turbines or other such devices and their related or supporting facilities that produce electric power from wind and are:

- a) connected to a common switching station or;
- b) constructed, maintained or operated as a contiguous group of devices.

**NON-WECS** A building-mounted wind system that has a nameplate capacity (manufacturer’s rating) of 10 kilowatts or less, and projects no more than 15-feet above the highest point of the roof shall not be considered a wind energy conversion system, and may exceed zone district height requirements by no more than 15-feet.

**SMALL WIND ENERGY CONVERSION SYSTEM (“SMALL WECS”)** — A wind energy conversion system consisting of one or more wind turbine, a tower, and associated control or conversion electronics, which has a nameplate power rated capacity of not more than 100 KW or less of peak generation capacity and which is intended to primarily reduce on-site consumption of utility power or consumption on an adjacent lot when more than one lot is held in common ownership.

## **Section 28 .7 - Location**

1. All WECS are "non-building accessory structures" allowed by right in all zones districts; governed by this Chapter and applicable codes. WECS buildings are building accessory structures.
2. A transfer of ownership of an adjacent lot, held in combination and under common ownership at the time of WECS installation, shall include a grant of easement equal to the required off-site setback encroachment; approved, signed and sealed by the Executive Director; and recorded with the Grant County Recorder’s Office to run with the deed.

## **Section 28 .8 - Height**

1. There is no limitation on height, except those height limitations imposed by FAA rules and regulations or the total height multiplier
2. The total height multiplier and placement of the turbines shall be relative to site specific setback requirements. [See 28.10 of the Chapter].

### **Section 28 .9 - Horizontal extension**

1. The furthest horizontal extension of a WECS (including guy wires) shall not extend into a required setback of the zoning district except in an approved Off-site Perimeter Setback Encroachment Easement or be closer than ten (10) feet to any primary structure, or right-of-way easement for any above-ground telephone, electrical transmission or distribution lines.

### **Section 28 .10 - Setback Requirements**

#### **Minimum setback distances for Wind Energy Conversion Systems and Meteorological Structures**

<b>Distance from a...</b>	<b>Minimum Setback Distance</b>
WECS Project Boundary Perimeter, measured from the center point of the tower to the utmost boundary of the individual WECS project area.	Each ("WECS") wind turbine generator or meteorological structure shall be setback from the project perimeter property boundaries of the installation site a distance equal to a multiple of 1.1 times the length of wind tower at the highest point reached by the rotor blade.
All county road right-of-way, measured from the center point of the tower to the leading edge of the right-of-way	Each ("WECS") wind turbine generator or meteorological structure shall be setback 1.1 times the length of wind tower at the highest point reached by the rotor blade.
Within proximity of I-69 right-of-way or Mississinewa River flood plain	No ("Large WECS") wind turbine generator or meteorological structure within 1320-feet of interstate rights-of-way or Mississinewa River flood plain.

### **Section 28.11 – WECS Project Boundary Perimeter Setback Encroachments**

1. The WECS project boundary perimeter setback or height multiplier may not vary except as herein provided.
2. The property owner of a "SMALL WECS" must use at least two-thirds of the power generated by the WECS in his home or business located on site to justify a height which requires an increase in the project boundary perimeter setback creating a WECS project boundary perimeter setback encroachment on an abutting property. At the written request of the Executive Director, the property owner receiving site plan approval shall provide a verified report of electricity generated and electricity sold from the "SMALL WECS".
3. The Executive Director has the authority, to issue a minor variance (Grant County Areawide Zoning Ordinance Chapter 15), to allow this perimeter setback encroachment to be legally established across private property lines by easement or deed restriction.
4. The owners of the adjoining or neighboring real property in which the encroachment is mutually agreed shall grant an easement or deed restriction to allow the project boundary

perimeter setback encroachment for the period of time that such use shall exist and the grantor shall hold the grantee harmless to the extent agreed to or allowed by law.

5. All WECS Project Boundary Perimeter Setback Encroachment Agreements shall contain an affidavit of any condition, covenant, and/or deed restriction, legally describing the off-site project boundary perimeter setback easement, to run with the land unless released by a recorded document approved, signed and sealed by the Executive Director at the time of any WECS decommissioning. Off-site WECS Project Perimeter Setback Encroachment Agreements must be recorded with the Grant County Recorder's Office prior to zoning clearance and permit issuance.

## **Section 28.12 - Safety Design and Installation Standards**

1. Safety Design and Installation Standards
  - a) Equipment type
    - i) Turbines
      - 1) ALL turbines shall be constructed of new, commercially available equipment. With the recommendation of a professional engineer; used, experimental or proto-type equipment still in testing, may be approved by the Executive Director.
    - ii) Meteorological structures
      - 1) Meteorological structures shall be installed as per manufacturer's specifications.
2. Industry standards and other regulations
  - a) ALL WECS shall conform to applicable industry standards, as well as all local, state and federal regulations.
  - b) An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanishcher Lloyed Wind Energie, or an equivalent third party.
3. Controls and brakes
  - a) Braking system
    - i) ALL WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.
  - b) Operation mode
    - i) ALL Mechanical brakes shall be operated in a fail-safe mode.
4. Electrical components
  - a) Standards
    - i) All electrical components of ALL WECS shall conform to applicable local, state and national codes; and any relevant national and international standards.
  - b) Collection cables
    - i) ALL electrical collection cables between each WECS shall be located underground except were impracticable, for example, crossing on open ditch or field tile system.
  - c) Transmission lines
    - i) ALL transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards; or as negotiated with the land owner or the land owner's designee until the same reach the property line or a substation adjacent to the property line.
5. Color and finish

In addition to all applicable FAA requirements, the following shall also apply:

  - a) Wind turbines and towers
    - i) ALL wind turbines and towers that are part of WECS shall be white, grey, or another non-obtrusive color.

6. Blades
  - a) ALL blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.
7. Warnings
  - a) Towers, transformers, and substations
    - i) For ALL LARGE WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
8. Guy wires and anchor points
  - a) For ALL guyed towers, one of the following warning mechanisms shall be used for each anchor point:
    - (1) Visible or reflective objects
    - (2) Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the anchor points of guy wires and along the innermost guy wires up to eight (8) feet above the ground.
9. Visible Fencing
  - a) Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.
10. Small WECS
  - a) The following notices shall be clearly visible on all SMALL WECS towers and accessory facilities
    - i) "No Trespassing" signs shall be attached to any perimeter fence.
    - ii) "Danger" signs shall be posted at the height of five (5) feet on WECS towers and accessory structures
    - iii) A sign shall be posted on the tower showing an emergency telephone number
    - iv) The manual electrical and/or overspeed shutdown disconnect switch (es) shall be clearly labeled.
11. Meteorological towers
  - a) Consideration shall be given to paint aviation warnings on all Meteorological Structures.
12. Climb prevention
  - a) ALL LARGE WECS tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:
    - b) Fences with locking portals at least six (6) feet in height; or
    - c) Anti-climbing devices fifteen (15) feet vertically from the base of the WECS tower; or
    - d) Locked WECS Tower doors.
13. Blade clearance
  - a) The minimum distance between the finished grade and any protruding blades(s) utilized on ALL WECS shall be twenty-five (25) feet, as measured at the lowest point of the arc of the blades.
14. Lighting
  - a) No WECS tower shall be illuminated unless required by a state or federal agency, such as the FAA. Accessory building security and driveway lighting are permitted.
15. Intensity and frequency
  - a) ALL lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations.
16. Shielding
  - a) Except with respect to lighting required by the FAA, tower site lighting may require shielding so that no glare extends substantially beyond any WECS structure. Light levels from any WECS associated source shall not exceed five (5) lucas at the lot line of any

residential dwelling outside of the individual WECS project area. A photometric plan certified by a professional engineer shall be submitted with the improvement location permit application if a nonresidential WECS tower site abuts a residential zone lot.

17. Materials handling, storage and disposal

- a) Solid wastes
  - i) ALL solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
- b) Hazardous materials
  - i) ALL hazardous materials or waste related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

**Section 28 .13 - Other Applicable Standards**

- 1. Guyed wire anchors
  - a) No guyed wire anchors shall be allowed within any required road right-of-way setback.
- 2. Sewer and water
  - a) ALL WECS facilities shall comply with the existing septic and well regulations as required by the Grant County Health Department and/or the State of Indiana Department of Public Health.
- 3. Noise and vibration
  - a) The noise level of WECS shall be no greater than sixty (60) decibels measured from the nearest dwelling unit in a straight line from the nearest corner of the structure.
    - i) This level may only be exceeded during short-term events such as utility outages and/or severe wind storms. All other noise and vibration levels shall be in compliance with all county, state and federal regulations.
- 4. Utility interconnection
  - a) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.
- 5. Signage
  - a) In addition to complying with (Grant County Areawide Zoning Ordinance Chapter 4 - Signs), the following signage regulations and standards shall also apply.
  - b) In the event that one of the following regulations or standards conflicts with another sign regulation or standard prescribed by this ordinance, the most restrictive regulation or standard shall apply.
    - i) Surface area - No sign shall exceed sixteen (16) square feet in surface area.
    - ii) Height - No sign shall exceed eight (8) feet in height.
    - iii) Manufacturers' or owner's company name and/or logo - The manufacturers' or owner's company name and/or logo shall be placed upon the compartment containing the electrical equipment.
    - iv) Development signs - No more than two (2) identification signs relating to the development shall be located on the project site.
    - v) Other signs and logos - No other advertising signs or logos shall be placed or painted on any WECS.
- 6. Communications and Feeder lines
  - a) To wit, all communications and feeder lines installed as part of any WECS shall be buried underground except where impracticable.
- 7. Other appurtenances

- a) No appurtenances other than those associated with the wind turbine construction, operations, maintenance, and decommissioning/removal shall be connected to any wind tower except with expressed, written permission by the Grant County Area Plan Commission Executive Director.

## **Section 28 .14 - Operation and Maintenance**

### **1. Physical modifications**

- a) In general, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by a professional engineer.
- b) Like kind replacements shall not require re-certification. Therefore, prior to making any physical modification, the owner or operator shall confer with the Grant County Area Plan Commission Executive Director to determine whether the physical modification requires re-certification.

### **2. Interference**

- a) No WECS shall be constructed so as to interfere with any public or public serving utility microwave transmissions.
- b) The applicant, owner and/or operator shall minimize and if necessary mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS.
- c) In addition, the applicant, owner, and/or operator shall comply with the following:
  - i) Pre-construction
    - 1) The applicant shall complete a communications study prior to construction so as to minimize interference with any public telecommunication or public serving utility microwave transmissions.
  - ii) Post-construction
    - 1) If, after construction of the WECS, the owner or operator receives a written complaint related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions, the owner or operator shall take reasonable steps to mitigate said interference. Interference with private telecommunications systems such as GPS shall be between the company and the complainant.
  - iii) Failure to remedy a complaint:
    - 1) If an agreement to remedy a known interference is not remedied within one hundred eighty (180) days, appropriate action will be taken, which shall result in requiring the WECS to become inactive.
    - 2) This does not apply to interference with private telecommunications systems.

### **3. Declaration of a public nuisance**

- a) The owner of a WECS must take such reasonable steps as are necessary to plan, prevent, mitigate, and eliminate any potential or known nuisance.
- b) If a professional engineer certifies a nuisance as directly attributable to the tower or turbine, the installation shall be shut down and the blades remain stationary until such conditions causing the nuisance are mitigated, or eliminated.
- c) Any WECS thereof declared to be unsafe by the Grant County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a common nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved Decommissioning Plan.

## **Section 28 .15 - Decommissioning Plan**

Prior to receiving an Improvement Location Permit or Building Permit for siting approval under this Ordinance, the Grant County Area Plan Commission Executive Director and the applicant, owner and/or operator shall formulate a decommissioning plan outlining the anticipated means and cost of removing a WECS at the end of their serviceable life or upon becoming a discontinued or abandoned use to ensure that the WECS is properly decommissioned. A decommissioning plan shall include, at a minimum, language to the following:

1. Assurance
  - a) Written assurance shall be provided to Grant County Area Plan Commission Executive Director that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned.
2. Cost estimates
  - a) The applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility.
  - b) The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning WECS.
3. Financial assurance
  - a) Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, letter of credit or other security acceptable to the County, for the cost of decommissioning each tower and related improvements constructed under the permit.
  - b) Said security will be released when each tower is properly decommissioned as determined by the Grant County Area Plan Commission.
4. Discontinuation and abandonment
  - a) Discontinuation
    - i) All WECS shall be considered a discontinued use after one (1) year without energy production; unless a plan is developed and submitted to the Grant County Area Plan Commission Executive Director outlining the steps and schedule for returning the WECS to service.
  - b) Abandonment by the owner or operator
    - i) In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Grant County Area Plan Commission representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.
5. Removal
  - a) An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level within three hundred sixty-five (365) days of the discontinuation or abandonment of the facility, and restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements by the owner, or by the Grant County Area Plan Commission at the owner's expense.
6. Written notices
  - a) Prior to implementation of the existing procedures for the resolution of such default(s), the Grant County Area Plan Commission shall first provide written notice to the owner and/or operator, setting forth the alleged default(s).
  - b) Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).



7. Costs incurred by the Grant County Area Plan Commission
  - a) If the Grant County Area Plan Commission removes a tower and appurtenant facilities, it shall sell the salvage to defray the costs of removal.
  - b) By approval, the permittee or grantor grants a license to Grant County Area Plan Commission to enter the property to remove a tower pursuant to the terms of an approved decommissioning plan.
  - c) Facilities, such as access roads and outbuildings, deemed necessary and/or useful by the property owner after decommissioning shall remain upon the recording of a mutually agreed "Letter of Understanding" between the property owner and the Grant County Area Plan Commission.

#### **Section 28 .16 - Liability Insurance**

The owner or operator of any WECS will provide proof of liability coverage; shall maintain a current general liability policy covering bodily injury and property damage; and may be required to name Grant County Area Plan Commission as an additional insured with dollar amount limits per occurrence, in the aggregate, and a deductible, which is suitable and in a form acceptable to the Grant County Area Plan Commission Attorney.

#### **Section 28 .17 - Application Procedures**

Permits and variances shall be applied for and reviewed under the procedures established by the Grant County Areawide Zoning Ordinance, except that the application for WECS Improvement Location/Building Permit shall also include the following information:

1. Applications for ALL Wind Energy Conversion Systems. An application for ALL WECS shall include the following information:
  - a) Contact information of project applicant
    - i) The name(s), address (es), and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.
  - b) Contact information of current project owner
    - i) The name(s), address (es), and phone number(s) of the owner(s), as well as a description of the owner's business structure and overall role in the proposed project, including documentation of land ownership or legal control of the property on which the WECS is proposed to be located.
  - c) Contact information of project operator
    - i) The name(s), address (es), and phone number(s) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project.
  - d) Legal description
    - i) The legal description, address, and general location of the project
  - e) Project description
    - i) A WECS Project Description, including to the extent possible, information on each wind turbine proposed, including:
      - 1) Number;
      - 2) Type;
      - 3) Name plate generating capacity;
      - 4) Tower height;
      - 5) Rotor diameter;
      - 6) Total height;
      - 7) Anchor base;

- 8) The means of interconnecting with the electrical grid;
  - 9) The potential equipment manufacturer(s); and
  - 10) All related accessory structures.
- f) A site layout plan
  - i) A site layout plan including distances and drawn to scale and certified by a registered land surveyor. [See Grant County Areawide Zoning Ordinance Appendix 2 for site plan requirements]
- g) Engineering certification
  - i) For ALL WECS, the manufacturers' engineer or another qualified registered professional engineer shall certify, as part of the building permit application that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
  - ii) An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.
- h) Proof of correspondence and cooperation with wildlife agencies
  - i) For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that he or she is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources.
- 2. Applications for SMALL Wind Energy Conversion Systems

In addition to the application requirements listed in [Section 28 .17], applications for SMALL WECS shall also include the following information:

  - a) Demonstration of energy need.
    - i) The production of energy shall not exceed the needs of the use on the tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of WECS fulfill this need. Net-metering shall be allowed, however, no energy shall be sold for profit.
  - b) Statement of FAA compliance
    - i) A statement of compliance with all applicable FAA rules and regulations, including any necessary approvals for installations within close proximity to an airport, a copy of the FAA's response to a submitted Notice of Proposed Construction or Alteration" (FAA Form 7460-1) shall be submitted to the Grant County Area Plan Commission at the time of application.
  - c) Utility notification
    - i) No WECS shall be installed until evidence have been given that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
    - ii) Off-grid systems shall be exempt from this requirement. No public utility easement encroachment by a WECS is allowed without vacation and/or consent of the affected utility company.
  - d) Compliance with Indiana Electrical Code
    - i) Provide a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the Indiana Electrical Code. This information is frequently supplied by the manufacturer.
- 3. Applications for LARGE Wind Energy Conversion Systems

In addition to the application requirements listed in [28 .17], applications for LARGE WECS shall also include the following information:

  - a) A site layout plan with distances drawn to scale illustrating the following:

- 1) Property lines, including identification of adjoining properties
  - 2) The latitude and longitude of each individual wind turbine
  - 3) Dimensional representation of the structural components of the tower construction including the base and footings
  - 4) WECS access roads
  - 5) Substations
  - 6) Electrical cabling
  - 7) Ancillary equipment
  - 8) Primary structures within one quarter (1/4) mile of all proposed WECS
  - 9) Required setback lines
  - 10) Location of all public roads which abut, or traverse the proposed site
  - 11) The location of all above-ground utility lines within a distance of two (2) times the height of any proposed LARGE WECS structure.
  - 12) The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one (1) mile of a proposed LARGE WECS
  - 13) The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one (1) mile of a proposed LARGE WECS
  - 14) Any other item reasonably requested by the Grant County Area Plan Commission.
4. Topographic map
    - a) A USGS topographical map, or map with similar data, of the property and the surrounding area, including any other LARGE WECS within a ten (10) rotor distances, but no less than a one quarter (1/4) mile radius from the proposed project site, with contours of not more than five (5) foot intervals.
  5. Noise contour map of the project area based upon [manufacturer specifications].
    - a) Location of all known existing LARGE WECS within one (1) mile of the proposed LARGE WECS, including a description of the potential impacts on said WECS and wind resources on adjacent properties.
    - b) Copy of the Communications Study
  6. Aggregated project applications
    - a) Aggregated projects shall jointly submit a site plan under a single improvement location permit application.
  7. Fees [See Grant County Areawide Zoning Ordinance Appendix 1 Fee Schedule]
  8. Permits
    - a) ALL WECS, as prescribed by (Grant County Areawide Zoning Ordinance Chapter 16 – Permits).
    - b) Aggregated projects shall jointly submit a site development plan under a single improvement location permit application.
    - c) Aggregated WECS projects; structural permits will be issued separately for each individual WECS installation.

## **Section 28 .18 - Pre-Construction Requirements**

Prior to the issuance of any Building Permit, the following shall be submitted to and reviewed by the Grant County Area Plan Commission, who shall certify that the following are in compliance with all applicable regulations:

1. FAA permit application
  - a) Decommissioning plan
    - i) A decommissioning plan as prescribed by this Chapter.
  - b) Erosion Control and Stormwater Management Plan

- i) An erosion control and stormwater management plan developed with reference to and consultation with the Grant County Soil & Water Conservation District or Indiana Department of Environmental Management; including applicable Rule 5 Compliance.
- 2. Utility plan
  - a) A utility plan drawn to the same scale as the site plan illustrating the location of all underground utility lines associated with the WECS site.
  - b) Provide a copy of the Final Site Layout Plan illustrating the final location of all that is required in the preliminary site layout plan, as approved by the landowner.
  - c) Avoidance and mitigation of damages to public infrastructure
  - d) For the purpose of transporting a LARGE WECS or substation parts and/or equipment for construction, operation or maintenance of a LARGE WECS or substation, shall comply with the following pre-construction requirements.
  - e) Identification of roads and services. Identify all roads and services, to the extent that any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it shall be approved by the Grant County Highway Department and the Grant County Sheriff Department.
  - f) Pre-construction survey, the applicant shall conduct a pre-construction baseline survey acceptable to the Grant County Highway Superintendent to determine existing road conditions for assessing potential future damage. The survey shall include photographs and a written agreement to document the condition of the public facility and the repair including intersection reconfiguration/reconstruction on public and private property.

#### **Section 28 .19 - Large WECS Construction Requirements**

- 1. During construction of LARGE WECS, the applicant shall demonstrate that the following requirements are being met:
  - a) Dust control, reasonable dust control measures shall be required during construction.
  - b) Drainage, reasonable storm water best management practices as required by the approved Erosion Control and Stormwater Management Plan.

#### **Section 28 .20 - Large WECS Post-Construction Requirements**

- 1. During post-construction of a LARGE WECS, the applicant shall comply with the following provisions:
  - a) Road Repairs
    - i) Any road damage caused by the construction of project equipment, the installation of the same, or the removal of the same, shall be repaired to the condition as shown in the approved pre-construction baseline survey.
    - ii) The superintendent may choose to require either remediation of road repair upon completion of the project or is authorized to collect fees for oversized load permits.
    - iii) Further, a corporate surety bond in an amount to be fixed by a professional engineer may be required by the superintendent to insure the county that future repairs are completed to the satisfaction of the unit of local government.
    - iv) The cost of bonding is to be paid by the applicant.
  - b) As-Built Plans Requirement
    - i) Where upon completion of all development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded.
    - ii) The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-built plans), as amended, to the Grant County Building Inspector with the exact measurements thereon shown.

- iii) The Grant County Building Inspector, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the applicant, owner, or operator shall then record.
- c) Change in ownership
  - i) Prior to a transfer or release of any bond held by Grant County, it is the responsibility of the owner or operator listed in the application to inform the Grant County Area Plan Commission Executive Director of all changes in ownership and operation, including the sale or transfer of ownership or operation. Failure to do so may cause a forfeiture, reduction or delay of the release of any bond held by Grant County.
  - ii) Each change in ownership shall signify a new bonding requirement. The new bond shall continue with the development until decommissioned or a change in ownership.
  - iii) Grant County may enforce the provisions of any bond with a penalty, where compliance with the provisions of this section or any other applicable law, ordinance, or regulation has not occurred.

## APPENDIX 1

# GRANT COUNTY

## FEE SCHEDULE

### IMPROVEMENT LOCATION PERMIT & BUILDING

#### *Residential:*

New Home or Relocation	\$120
Two Family & Multi-Family Dwellings	\$120 per unit
Mfg Housing	\$80
Interior Remodel	\$60
Temporary Power Pole/Meter/Panel	\$20
Upgrade	
Roofing	\$20
Additions:	\$30 base fee plus \$.10 per square foot of floor area (max. \$120)

#### *Accessory Buildings:*

0-120	No permit required
Over 120	\$.10 per square foot of floor area, minimum of \$20 (max. \$200)
Small WECS and Meteorological Structures	\$80 base fee plus \$0.10 per linear tower foot
Non-WECS	\$30 base fee

#### *Pools:*

Above Ground Pool	\$30
In-ground Pool	\$50

Jonesboro/Matthews ILP/Waiving Inspections	\$20
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#### *Agriculture, Commercial & Industrial:*

ILP Agriculture, Commercial, Industrial	\$50
New Building	\$200 base fee plus \$.10 per sq. ft. of floor area (includes AFO Primary Building)
Accessory Building & Additions	\$.10 per sq. ft. of floor area, minimum of \$100
Interior Remodel	\$75 base fee plus \$.10 per sq ft of floor area
Roofing	\$35
Signs	\$.75 per sq ft of area per visible face, minimum of \$35

Parking Structure	\$9 per parking space
Cell Tower	\$200
Cell Tower Co-Locate	\$100
WECS and Meteorological Structures	\$200 plus \$0.10 per linear tower foot
Non-WECS	\$100
<i>Institutional:</i>	
Churches, Institutions, & Educational, etc	\$120 base fee plus \$.10 per square foot of floor area. Additions, accessory structures, and interior remodels should follow Commercial and Industrial fees respectively.
<i>Fees &amp; Fines:</i>	
Early Bird Fine (start of construction prior to permit issuance)	2 times the cost of the permit issued
Re-inspection	\$50 residential/\$150 other, per additional inspections
Variance Fine (variance required because construction did not occur as per approved site plan)	5 times the cost of the approved building permit, in addition to the cost of the variance
<i>Petitions:</i>	
Appeals	\$75
Customary Home Occupation/Change of Use and Substitution	\$15
Exempts	\$15
Minor Subdivision	\$100 base fee plus \$5 per lot
Major Subdivision	\$150 base fee plus \$5 per lot
Rezoning	\$75
Special Exception	\$75
Variance	\$75
<i>Miscellaneous Costs:</i>	
AWZO	\$35 or cost of printing
Comprehensive Plan	\$20 or cost of printing
Subdivision Ordinance	\$20 or cost of printing
Wireless Ordinance	\$10 or cost of printing
Building Codes	\$10 or cost of printing
Contractor Registration	\$25
Copies	\$0.10 per sheet
11 x 17 Color Sheet Maps	\$15 per sheet*
24 x 36 Color Sheet Maps	\$25 per sheet*
Unincorporated Township Maps	\$50 per sheet*
* Governmental cost is at a 50% discount	

